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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,629	02/20/2004	Timothy M. Johns	02100.0082	4131
22852	7590	10/11/2005		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
			EXAMINER YEAGLEY, DANIEL S	
			ART UNIT 3611	PAPER NUMBER

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*He*

**Office Action Summary**

Application No.

10/781,629

Applicant(s)

JOHNS ET AL.

Examiner

Daniel Yeagley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/15/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. The disclosure is objected to because of the following informalities:

Page 14, paragraph 46, line 5; the numeral "58" should be changed to --46--.

Page 19, paragraph 62, line 11; the word "islet" appears to be a misspelling.

Page 21, paragraph 67, line 8; the numeral "114" should be changed to --116--.

Appropriate corrections are required.

3. Claim 23 is objected to because it depends from itself.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 19, 20, 30, 31, 34, 36 – 44 and 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 30 and 31, lines 2; the terms "the handle" lack sufficient antecedent basis because it is unclear which handle applicant is referencing.

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Regarding claims 19 and claim 34, lines 3-4 respectively; the terms “a second lever member” lack proper antecedent basis because it is out of sequence because there is no prior recitation of a first lever member.

Regarding claim, 36 through claims 43, the numerous terms “the structure tongue” lack antecedent basis and it is unclear if applicant is trying to reference just the tongue or said structure which includes the tongue.

Regarding claim 52, line 8, the term “it” is considered indefinite.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 – 18, 21 – 33 and 36 – 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Wohldorf ‘310.

Wohldorf discloses a vehicle hitch mechanism capable of coupling a structure to a vehicle, wherein movement of a handle member outward (down away) from a vehicle moves a second linkage mechanism in a downward direction (figure 2) and movement of the handle member in a direction inward (upward) toward the vehicle moves the second linkage in an upward direction to raise the raise/lower member (figure 1), wherein the hitch mechanism includes a biasing member being a spring with a first and second end, and a handle member (upper portion of 8) capable of being moved to raise and lower a coupling member and a pin

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which is linked by a linkage mechanism to the handle, wherein the hitch mechanism further includes a raise/lower member 2 comprised of a plurality of leg portions (sides of 2) attached to a horizontal member (base of 2) attached to a second linkage mechanism (intermediate mechanism) comprised of at least a link member that includes a pair of linkage bars (sides of element 1) which are provided with an opening proximal to the lower end and attached to the raise/lower member by a second bolt and nut (shaft/pin 3), wherein the raise/lower member is capable of being slid under and engaging and supporting a structure that is capable of being coupled with the hitch mechanism and includes a first and second lever member provided with an opening (base portion of element 10') and attached with the horizontal member, wherein the second linkage mechanism is linked to a handle member (control; lower portion of element 8) which is capable of being moved to raise and lower the raise/lower member, such that the second handle member and has an opening attached with the second linkage mechanism that includes at least one link member comprising a pair of linkage bars 10' that are provided with openings proximal to an upper end and includes an attachment mechanism (bolt and nut (shaft /pin 9')) attached to the second handle through openings in linkage bars and handle member, wherein the raise/lower member comprises the method of being positioned underneath a tongue having an opening for engaging a coupling member, such that when the coupling member is raised so that the opening of the tongue exits the coupling member with the raise/lower member being underneath the tongue, such that when the tongue moves in a direction away from the vehicle would lower the tongue along the raise/lower member to a point where the raise lower member would no longer be positioned underneath the tongue as broadly claimed.

*Allowable Subject Matter*

8. Claims 19, 20, 34 and 35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Richman, Jr. '794, Schmiesing '943, Bergman '687, Quastad '348, Bergeron '330, Reid '459, Allard '443, Olson '399, Ulshafer, Jr. '296, Williams '704, Von Schlegell '614 and Kemnitz '230 show a hitching mechanism with a lifting system.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is (571)-272-6655. The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) - 272 - 6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.

  
**LESLEY D. MORRIS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**